

shall cover the operations of the recipient's most recently completed fiscal year.

(4) SBA may make reports described in paragraph (d)(2) and (d)(3) of this section available for public inspection.

(e) *Reporting requirements.* SISMBD Loan recipients will have reporting requirements related to section 1512 of the Recovery Act. SBA will provide additional separate guidance on the Recovery Act reporting requirements.

**§ 120.1900 When does the Secondary Market Lending Authority Program end?**

The last date on which a loan under this program can be approved is February 16, 2011, unless Congress extends the SISMBD Loan Program. All loan applications must be received at SBA no later than January 31, 2011. Loans must be paid in full by no later than February 16, 2013.

**PART 121—SMALL BUSINESS SIZE REGULATIONS**

**Subpart A—Size Eligibility Provisions and Standards**

PROVISIONS OF GENERAL APPLICABILITY

Sec.

- 121.101 What are SBA size standards?
- 121.102 How does SBA establish size standards?
- 121.103 How does SBA determine affiliation?
- 121.104 How does SBA calculate annual receipts?
- 121.105 How does SBA define “business concern or concern”?
- 121.106 How does SBA calculate number of employees?
- 121.107 How does SBA determine a concern’s “primary industry”?
- 121.108 What are the penalties for misrepresentation of size status?

SIZE STANDARDS USED TO DEFINE SMALL BUSINESS CONCERNS

- 121.201 What size standards has SBA identified by North American Industry Classification System codes?

SIZE ELIGIBILITY REQUIREMENTS FOR SBA FINANCIAL ASSISTANCE

- 121.301 What size standards are applicable to financial assistance programs?
- 121.302 When does SBA determine the size status of an applicant?

- 121.303 What size procedures are used by SBA before it makes a formal size determination?
- 121.304 What are the size requirements for refinancing an existing SBA loan?
- 121.305 What size eligibility requirements exist for obtaining financial assistance relating to particular procurements?

SIZE ELIGIBILITY REQUIREMENTS FOR GOVERNMENT PROCUREMENT

- 121.401 What procurement programs are subject to size determinations?
- 121.402 What size standards are applicable to Federal Government Contracting programs?
- 121.403 Are SBA size determinations and NAICS code designations binding on parties?
- 121.404 When does SBA determine the size status of a business concern?
- 121.405 May a business concern self-certify its small business size status?
- 121.406 How does a small business concern qualify to provide manufactured products or other supply items under a small business set-aside, service-disabled veteran-owned small business set-aside, WOSB or EDWOSB set-aside, or 8(a) contract?
- 121.407 What are the size procedures for multiple item procurements?
- 121.408 What are the size procedures for SBA’s Certificate of Competency Program?
- 121.409 What size standard applies in an unrestricted procurement for Certificate of Competency purposes?
- 121.410 What are the size standards for SBA’s Section 8(d) Subcontracting Program?
- 121.411 What are the size procedures for SBA’s Section 8(d) Subcontracting Program?
- 121.412 What are the size procedures for partial small business set-asides?
- 121.413 [Reserved]

SIZE ELIGIBILITY REQUIREMENTS FOR SALES OR LEASE OF GOVERNMENT PROPERTY

- 121.501 What programs for sales or leases of Government property are subject to size determinations?
- 121.502 What size standards are applicable to programs for sales or leases of Government property?
- 121.503 Are SBA size determinations binding on parties?
- 121.504 When does SBA determine the size status of a business concern?
- 121.505 What is the effect of a self-certification?
- 121.506 What definitions are important for sales or leases of Government-owned timber?

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- 121.507 What are the size standards and other requirements for the purchase of Government-owned timber (other than Special Salvage Timber)?
- 121.508 What are the size standards and other requirements for the purchase of Government-owned Special Salvage Timber?
- 121.509 What is the size standard for leasing of Government land for coal mining?
- 121.510 What is the size standard for leasing of Government land for uranium mining?
- 121.511 What is the size standard for buying Government-owned petroleum?
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**SIZE ELIGIBILITY REQUIREMENTS FOR THE 8(A) BUSINESS DEVELOPMENT PROGRAM**

- 121.601 What is a small business for purposes of admission to SBA's 8(a) Business Development program?
- 121.602 At what point in time must a 8(a) BD applicant be small?
- 121.603 How does SBA determine whether a Participant is small for a particular 8(a) BD subcontract?
- 121.604 Are 8(a) BD Participants considered small for purposes of other SBA assistance?

**SIZE ELIGIBILITY REQUIREMENTS FOR THE SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM**

- 121.701 What SBIR programs are subject to size determinations?
- 121.702 What size standards are applicable to the SBIR program?
- 121.703 Are formal size determinations binding on parties?
- 121.704 When does SBA determine the size status of a business concern?
- 121.705 Must a business concern self-certify its size status?

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- 121.801 May patent fees be reduced if a concern is small?
- 121.802 What size standards are applicable to reduced patent fees programs?
- 121.803 Are formal size determinations binding on parties?
- 121.804 When does SBA determine the size status of a business concern?
- 121.805 May a business concern self-certify its size status?

**SIZE ELIGIBILITY REQUIREMENTS FOR COMPLIANCE WITH PROGRAMS OF OTHER AGENCIES**

- 121.901 Can other Government agencies obtain SBA size determinations?
- 121.902 What size standards are applicable to programs of other agencies?

- 121.903 How may an agency use size standards for its programs that are different than those established by SBA?
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- 121.1001 Who may initiate a size protest or a request for formal size determination?
- 121.1002 Who makes a formal size determination?
- 121.1003 Where should a size protest be filed?
- 121.1004 What time limits apply to size protests?
- 121.1005 How must a protest be filed with the contracting officer?
- 121.1006 When will a size protest be referred to an SBA Government Contracting Area Office?
- 121.1007 Must a protest of size status relate to a particular procurement and be specific?
- 121.1008 What occurs after SBA receives a size protest or request for a formal size determination?
- 121.1009 What are the procedures for making the size determination?
- 121.1010 How does a concern become recertified as a small business?

**APPEALS OF SIZE DETERMINATIONS AND NAICS CODE DESIGNATIONS**

- 121.1101 Are formal size determinations subject to appeal?
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- 121.1103 What are the procedures for appealing a NAICS code or size standard designation?

**Subpart B—Other Applicable Provisions**

**WAIVERS OF THE NONMANUFACTURER RULE FOR CLASSES OF PRODUCTS AND INDIVIDUAL CONTRACTS**

- 121.1201 What is the Nonmanufacturer Rule?
- 121.1202 When will a waiver of the Nonmanufacturer Rule be granted for a class of products?
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- 121.1204 What are the procedures for requesting and granting waivers?
- 121.1205 How is a list of previously granted class waivers obtained?

AUTHORITY: 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644, 662(5) and 694a; Pub. L. 105–135, sec. 401 *et seq.*, 111 Stat. 2592.

SOURCE: 61 FR 3286, Jan. 31, 1996, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 121 appear at 72 FR 50039 and 50040, Aug. 30, 2007.